

## Coast Guard, DHS

## § 12.40–13

§ 12.02–4 of this part, an applicant for a merchant mariner's document issued pursuant to this subpart must:

(a) Have been employed, for a period of at least one year, on a foreign-flag passenger vessel, or foreign flag passenger vessels, that are under the same common ownership or control as the U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, on which the applicant will be employed upon issuance of a merchant mariner's document under this subpart.

(b) Have no record of material disciplinary actions during the employment required under paragraph (a) of this section, as verified in writing by the owner or managing operator of the U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, on which the applicant will be employed.

(c) Have successfully completed an employer-conducted background check, to the satisfaction of both the employer and the Coast Guard.

(d) Meet the citizenship and identity requirements of § 12.40–11.

### § 12.40–11 Citizenship and identity.

(a) In lieu of the requirements of §§ 12.02–10, 12.02–12 and 12.02–14 of this part, a non-resident alien may apply for a Coast Guard-issued merchant mariner's document, endorsed and valid only for service in the steward's department of a U.S.-flag large passenger vessel as defined in this subpart, if he or she is employable in the United States under the Immigration and Nationality Act (8 U.S.C. 1101, *et seq.*), including an alien crewman described in section 101 (a)(15)(D)(i) of that Act.

(b) To meet the citizenship and identity requirements of this subpart, an applicant must present an unexpired passport issued by the government of the country of which the applicant is a citizen or subject; and either a valid U.S. C–1/D Crewman Visa or other valid U.S. visa or authority deemed acceptable by the Coast Guard.

(c) Any non-resident alien applying for a merchant mariner's document under this subpart may not be a citizen of, or a temporary or permanent resident of, a country designated by the Department of State as a "State Sponsor of Terrorism" pursuant to section 6(j) of the Export Administration Act

of 1979 (50 U.S.C. App. 2405(j)) or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).

### § 12.40–13 Restrictions.

(a) A merchant mariner's document issued to a non-resident alien under this subpart authorizes service only in the steward's department of the U.S.-flag large passenger vessel(s), that is/are under the same common ownership and control as the foreign-flag passenger vessel(s), on which the non-resident alien served to meet the requirements of § 12.40–9(a):

(1) The merchant mariner's document will be endorsed for service in the steward's department in accordance with § 12.25–10 of this part;

(2) The merchant mariner's document may also be endorsed for service as a food handler if the applicant meets the requirements of § 12.25–20 of this part; and

(3) No other rating or endorsement is authorized, except lifeboatman, in which case all applicable requirements of this subchapter and the STCW Convention and STCW Code must be met.

(b) The following restrictions must be printed on the merchant mariner's document, or listed in an accompanying Coast Guard letter, or both:

(1) The name and official number of all U.S.-flag vessels on which the non-resident alien may serve. Service is not authorized on any other U.S.-flag vessel;

(2) Upon issuance, the merchant mariner's document must remain in the custody of the employer at all times;

(3) Upon termination of employment, the merchant mariner's document must be returned to the Coast Guard within 10-days in accordance with § 12.40–7;

(4) A non-resident alien issued a merchant mariner's document under this subpart may not perform watchstanding, engine room duty watch, or vessel navigation functions; and,

(5) A non-resident alien issued a merchant mariner's document under this subpart may perform emergency-related duties provided:

## § 12.40–15

(i) The emergency-related duties do not require any other rating or endorsement, except lifeboatman as specified in paragraph (a)(3) of this section;

(ii) The non-resident alien has completed familiarization and basic safety training, as required in § 15.1105 of this subchapter;

(iii) That if the non-resident alien serves as a lifeboatman, he or she must have the necessary lifeboatman's endorsement; and

(iv) The non-resident alien has completed the training for crewmembers on passenger ships performing duties involving safety or care for passengers, as required in subpart 12.35 of this part.

(c) A non-resident alien may only serve for an aggregate period of 36 months actual service on all authorized U.S.-flag large passenger vessels combined under the provisions of this subpart:

(1) Once this 36-month limitation is reached, the merchant mariner's document becomes invalid and must be returned to the Coast Guard under § 12.40–7(d), and the non-resident alien is no longer authorized serve in a position requiring a merchant mariner's document on any U.S.-flag large passenger vessel; and

(2) An individual who successfully adjusts his or her immigration status to become either a alien lawfully admitted for permanent residence to the United States or citizen of the United States may apply for a merchant mariner's document, subject to the requirements of §§ 12.02–10, 12.02–12 and 12.02–14 of this part, without any restrictions or limitations imposed by this subpart.

## § 12.40–15 Alternative means of compliance.

(a) The owner or managing operator of a U.S.-flag large passenger vessel, or U.S.-flag large passenger vessels, seeking to employ non-resident aliens issued merchant mariner's documents under this subpart may submit a plan to the Coast Guard, which, if approved, will serve as an alternative means of complying with the requirements of this subpart.

(b) The plan must address all of the elements contained in this subpart, as well as the related elements contained

## 46 CFR Ch. I (10–1–08 Edition)

in § 15.530 of this subchapter, to the satisfaction of the Coast Guard.

## PART 13—CERTIFICATION OF TANKERMEN

### Subpart A—General

- Sec.
- 13.101 Purpose.
  - 13.103 Definitions.
  - 13.105 Paperwork approval.
  - 13.107 Tankerman endorsement: General.
  - 13.109 Tankerman endorsement: Authorized cargoes.
  - 13.111 Restricted endorsement.
  - 13.113–13.117 [Reserved]
  - 13.119 Expiration of endorsement.
  - 13.120 Renewal of endorsement.
  - 13.121 Courses for training tankerman.
  - 13.123 Recency of service or experience for original tankerman endorsement.
  - 13.125 Physical requirements.
  - 13.127 Service: General.
  - 13.129 Quick-reference table for tankerman.

### Subpart B—Requirements for “Tankerman-PIC” Endorsement

- 13.201 Original application for “Tankerman-PIC” endorsement.
- 13.203 Eligibility: Experience.
- 13.205 Proof of service for “Tankerman-PIC” endorsement.
- 13.207 Eligibility: Firefighting course.
- 13.209 Eligibility: Cargo course.

### Subpart C—Requirements for “Tankerman-PIC (Barge)” Endorsement

- 13.301 Original application for “Tankerman-PIC (Barge)” endorsement.
- 13.303 Eligibility: Experience.
- 13.305 Proof of service for “Tankerman-PIC (Barge)” endorsement.
- 13.307 Eligibility: Firefighting course.
- 13.309 Eligibility: Cargo course.

### Subpart D—Requirements for “Tankerman-Assistant” Endorsement

- 13.401 Original application for “Tankerman-Assistant” endorsement.
- 13.403 Eligibility: Experience.
- 13.405 Proof of service for “Tankerman-Assistant” endorsement.
- 13.407 Eligibility: Firefighting course.
- 13.409 Eligibility: Cargo course.

### Subpart E—Requirements for “Tankerman-Engineer” Endorsement

- 13.501 Original application for “Tankerman-Engineer” endorsement.
- 13.503 Eligibility: Experience.
- 13.505 Proof of service for “Tankerman-Engineer” endorsement.